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UNCLAS SECTION 01 OF 02 TEGUCIGALPA 001395

SIPDIS

POSTS FOR DHS, CONS AND POL
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SUBJECT: PROSECUTION OF CHINESE ALIEN SMUGGLERS ARRESTED IN
HONDURAS PROCEEDS WITH DIFFICULTY

Ref: Tegucigalpa 002878,

Tegucigalpa 00116,
Tegucigalpa 00070 (NOTAL) and previous

1. SUMMARY: Prosecution of Chinese illegal alien smugglers arrested in Honduras in late 2003 on charges of people smuggling, money laundering, possession of instruments for the forgery of public documents, and forgery of public documents, has turned into a very difficult task for the Honduran Public Ministry. The fact that the illegal activities of these smugglers point to possible trafficking in people (due to probable forced labor of those smuggled into the U.S.) has raised serious concerns by post officials on the performance of the judicial system in Honduras. END SUMMARY.

2. CHEN Ke Jung.- Belizean and Taiwanese national, was released on bail in January 2004 based on medical problems. CHEN fled to Belize in February 2004. The two young citizens of the People's Republic of China (PRCs), escorted by CHEN through Honduran territory with forged Belizean passports, were sentenced to four years of incarceration. These PRCs have since exchanged their prison term for a fine payable to the judicial system. However, they are still waiting for authentic PRC passports to be deported.

3. LIN Wei Chung.- Taiwanese national, released on bail in late March 2004. The three PRCs that he was escorting were released with him. The group fled in mid April 2004. Taiwanese authorities in Honduras issued an alert to all Central American countries to prevent LIN from obtaining a passport. Taiwan consular officials report that LIN applied for and was denied a passport in Guatemala in May 2004.

4. HE Jia Bin.- naturalized Honduran citizen, remains in custody although close to being released. Defense attorneys pointed to mistakes by Prosecution as the basis for his release. The case is currently under the analysis of the Supreme Court. A sentence in this case is essential for the Ministry of the Interior to revoke HE's Honduran citizenship and order his expulsion from the country. The DCM and other Embassy officials have repeatedly raised this case with the Public Ministry and the Supreme Court to ensure that HE is not prematurely released.

5. HU Weng Rong.- naturalized Honduran citizen, remains in custody. HU requested his release on bail; however, the court of appeals in San Pedro Sula denied his request. HU appears to be the only Chinese smuggler who will undergo full trial, and the reason appears to be his arrest in San Pedro Sula. The Ministry of the Interior intends to revoke HU's naturalization as well.

6. Noteworthy is the fact that one judge, German Vicente Garcia, has been assigned all Chinese cases in Tegucigalpa. Judge Garcia has approved all requests for release on bail regardless of the flight risk that these smugglers posed. The Public Ministry has appealed all decisions, however, the Court of Appeals in Tegucigalpa has turned down all appeals by the Prosecution. Another important fact is that the defense attorney of the three smugglers mentioned in paragraphs 2-4 above is German Salomon Amador-Berrios. Amador-Berrios was the former Chief of Investigations at GOH Migration in the late 1990s. Amador-Berrios and other colleagues at GOH Migration were fired due to their participation in the issuance of legal Honduran visas to countless ineligible PRCs.

7. COMMENT: Post has elevated inquiries regarding these cases to the President of the Supreme Court and the Attorney General. The regional U.S. Immigration and Customs Enforcement Attache in Tegucigalpa plans to meet with these officials in an effort to increase awareness of trafficking in persons and alien smuggling. The judge's decisions on these cases are highly questionable. END COMMENT.

PALMER